



General Assembly

Amendment

February Session, 2008

LCO No. 4777

HB0513004777HDO

Offered by:

REP. BARRY, 12th Dist.

SEN. DUFF, 25th Dist.

To: House Bill No. 5130

File No. 42

Cal. No. 42

"AN ACT LIMITING USE OF CHECKS TO CREATE BINDING AGREEMENTS ON CONSUMERS."

1 Strike lines 1 to 19, inclusive, in their entirety and insert the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2008*) (a) As used in this
4 section: (1) "Check" has the same meaning as provided in section 42a-3-
5 104 of the general statutes; (2) "consumer" means an actual or
6 prospective purchaser, lessee or renter of goods or services; (3)
7 "endorsing" means affixing a signature or the use of other words on the
8 check by the consumer for the purpose of negotiating the check; and
9 (4) "seller" means any person who sells, leases or rents, or offers to sell,
10 lease or rent goods or services by use of printed advertisement,
11 postcard or other written notice.

12 (b) No agreement entered into on or after October 1, 2008, by a
13 consumer to purchase, lease or rent goods or services by endorsing a
14 check payable to the consumer from a seller shall be a binding, valid or

15 enforceable contract against the consumer unless the consumer signs a
16 written contract that: (1) Is a separate document; (2) discloses in full
17 the terms of the sale, lease or rental agreement including the method of
18 payment; and (3) complies with the provisions of subsection (c) of this
19 section. Any check sent to a consumer by a seller without such written
20 contract shall be deemed to be an unconditional gift to the consumer
21 without any obligation by the consumer to the seller."

22 In lines 22, 40 and 42, strike "marketer" and insert "seller" in lieu
23 thereof